


FILED

OCT 05 2016

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY  DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CROSS-FIT, INC., a Delaware  
corporation,

Plaintiff,

v.

NATIONAL STRENGTH AND  
CONDITIONING ASSOCIATION, a  
Colorado corporation,

Defendant.

Case No.: 14cv1191-JLS(KSC)

**ORDER RE JOINT MOTION FOR  
DETERMINATION OF DISCOVERY  
DISPUTE RE PEER REVIEWER  
IDENTITIES [RENEWED]**

**[Doc. Nos. 82, 83, 86, 120.]**

Before the Court is the parties' Joint Motion for Determination of Discovery Dispute [Peer Reviewer Identities]. [Doc. Nos. 82, 83, 86, 120.] In the Joint Motion, plaintiff makes its second request for an order compelling defendant to disclose the names of individuals who acted as peer reviewers for the article known as the "Devor Study," which serves as the basis for the allegations in the operative First Amended Complaint. [Doc. No. 71-6.] This Court denied plaintiff's first request for an order compelling the identities of the peer reviewers in an Order filed on July 15, 2015. [Doc. No. 57.]

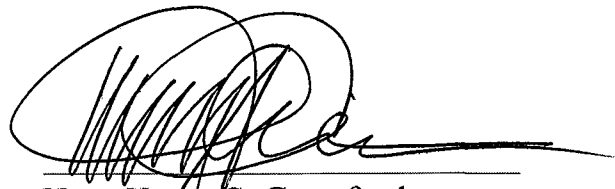
After careful review of the arguments and evidence submitted by the parties, the Court finds that plaintiff's request for an order compelling disclosure of the identities of

1 the peer reviewers must be DENIED with prejudice. For the reasons outlined in the  
2 Court's July 15, 2015 Order [Doc. No. 57, at pp. 1-21] and in the arguments presented by  
3 defendant in the parties' current Joint Motion [Doc. Nos. 83, 120, at pp. 34-57], the Court  
4 finds that: (1) plaintiff's arguments about the relevance of the identities of the peer  
5 reviewers for the Devor Study to issues raised by the parties' pleadings remain  
6 speculative and unsupported; and (2) defendant's interest in maintaining the  
7 confidentiality of the identity of the peer reviewers for the Devor Study outweighs any  
8 interest plaintiff has in the disclosure of this information. Fed.R.Civ.P. 26(b)(1)&(c)(1).  
9 Accordingly,

10 IT IS HEREBY ORDERED THAT plaintiff's request for an order compelling  
11 defendant to disclose the identities of the individuals who acted as peer reviewers for the  
12 Devor Study is DENIED. [Doc. Nos. 82, 83, 86, 120.] In addition, as outlined in the  
13 Court's July 15, 2015 Order, defendant is entitled to a limited protective order precluding  
14 plaintiff from discovering the identities of the peer reviewers for the Devor Study. [Doc.  
15 No. 57, at p. 16.]

16 IT IS SO ORDERED.

17 Dated: October 3, 2016

A handwritten signature in black ink, appearing to read 'K. Crawford', is written over a horizontal line.

Hon. Karen S. Crawford  
United States Magistrate Judge